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I. General information about the reporting State

A. Demographic, economic, social and cultural characteristics of the State

Guideline No. 33:

1. Background information on the national characteristics of the country

1. The official name of the country is the Republic of El Salvador, and its capital is San Salvador. The official language is Spanish (article 62 of the Constitution); less than 1 per cent of the population speaks Nahuat.

2. El Salvador is situated in the south-west of the Central American Isthmus on the Pacific Coast. It lies in the tropics north of the equator, between 13°09′ and 14°27′ north latitude and 87°41′ and 90°08′ west longitude. The territory over which El Salvador exercises jurisdiction and sovereignty is indivisible and comprises a surface area of 20,742 square kilometres.

3. The territory of the Republic is divided into 14 political and administrative departments, which are in turn divided into 262 municipalities. The departments are grouped into three areas: Western El Salvador, Eastern El Salvador and Central El Salvador. Each department is under the authority of a governor who represents the executive branch, is directly appointed by the President of the Republic and resides in the departmental capital. The municipalities are governed by municipal councils whose members are elected by direct suffrage every three years by the constituency of the municipality concerned.

4. In 1962 a new Constitution was promulgated, and Lieutenant Colonel Julio A. Rivera took office as President of the Republic until 1967. He was succeeded by General Fidel Sánchez Hernández, who remained in office from 1967 to 1972. In 1972, Colonel Arturo Armando Molina became President. In 1977, General Carlos H. Romero was elected President, but was then ousted in a coup on 15 October 1979. He was succeeded by the first Revolutionary Government Junta, with a second Revolutionary Government Junta coming to power in 1980.

5. In 1982, elections were held to choose representatives for seats in the Constituent Assembly, which then issued, ratified and proclaimed the 1983 Constitution of the Republic that continues to govern the institutional affairs of the nation.

6. Also in 1982, the Government of National Unity was formed, with Dr. Álvaro Magaña at its helm. In June 1984, he handed over his political mandate to José Napoleón Duarte, who remained in office until May 1989 and was then succeeded by Alfredo Félix Cristiani Burkard on 1 June 1989.

7. From 1980 until 1992, El Salvador was the arena for a civil war triggered by the demise of a system based on authoritarian notions of power and the adverse effects, felt around the world, of cold-war confrontations.

8. At the end of 1991, the United Nations certified that the parties to the conflict had fulfilled the commitments they had made, and the peace accords were signed in 1992 at Chapultepec Palace, Mexico, on 16 January of that year. This marked the start of a reconstruction effort and the consolidation of the legal and institutional framework of the State through the creation of new political, judicial, public security and human rights institutions.

9. President Félix Cristiani was succeeded in the presidency in June 1994 by Armando Calderón Sol, who governed until June 1999. He was succeeded by Francisco Guillermo Flores Pérez, whose term of office ended on 31 May 2004.

10. On 1 June 2004, the presidency was assumed by Elías Antonio Saca González, who governed until June 2009.

11. A political milestone during this period was the victory of the Frente Farabundo Martí para la Liberación Nacional party's candidate, Carlos Mauricio Funes Cartagena, in

the presidential elections of 15 March 2009. This was the first triumph by a leftist party in the country's history. Carlos Funes took office as President of the Republic on 1 June 2009, together with Salvador Sánchez Cerén as Vice-President. In the elections held on 2 February 2014, Salvador Sánchez Cerén was elected President of the Republic, with Oscar Ortiz as his Vice-President, for the 2014-2019 term. A total of 10,337 Salvadorans living overseas registered to vote in these elections.

Guidelines No. 34 and 35:

2. Main ethnic and demographic characteristics and standard of living of the population

12. El Salvador recognizes a number of coexisting cultures within its borders, including the indigenous Lenca, Cacaopera and Nahua/Pipil peoples, with the latter being the most numerous, who live in communities in the western part of the country (mostly in the departments of Sonsonate and Ahuachapán).

13. In order to promote the participation of indigenous peoples and the use of established procedures for the consultation of indigenous peoples about issues of concern to them, El Salvador has set up a multisectoral forum that is coordinated by the Department for Indigenous Peoples of the Ministry of Culture. This integrated forum is used by indigenous organizations and governmental bodies to hold discussions and take decisions on proposals put forward by indigenous organizations and communities.

14. At the local level, ordinances have been enacted in the municipalities of Nahuizalco, Izalco, Panchimalco and Cuisnahuat as a means of recognizing the rights of indigenous peoples, including the right to be consulted on matters affecting them. Most of these ordinances establish that representatives of indigenous communities must be consulted, in accordance with their own organizational practices, prior to the initiation of any activity, programme, business or project related to the land, territory or natural resources and environment of indigenous communities and any activity affecting the legitimate interests of an indigenous community. The consultations must be held on a free and informed basis, and the Supreme Electoral Tribunal is authorized to provide oversight in order to ensure the legitimacy of the process.

15. Thanks to the work of the Salvadoran Agrarian Reform Institute in upholding the property rights of indigenous peoples, 55,950 rural indigenous families have been given title to their land (24,110 titles to farmland and 31,840 to residential plots). These deeds have been awarded under the existing property laws, since specific legal provisions for the protection, transference and preservation of the culture and organizational systems of original peoples have not as yet been issued; however, indigenous communities have benefited from the Special Property Regime Act, which covers land owned by cooperative, communal and small farming community associations and the beneficiaries of agrarian reform.

16. The project entitled "Indigenous Peoples' Birth and Civil Status Register" has been implemented by the Corporation of Municipalities of the Republic of El Salvador, the Secretariat for Social Integration and the Office of the Counsel General of the Republic with the support of the United Nations Children's Fund (UNICEF).

17. Estimates of the indigenous population in El Salvador are no more than approximate. According to the Indigenous Peoples Profile, indigenous peoples make up between 10 and 12 per cent of the population. However, the Sixth Population Census and Fifth Housing Census, carried out in 2007 by the Directorate General of Statistics and Censuses (DIGESTYC), puts the indigenous population in El Salvador at 0.23 per cent of the country's 5,744,113 inhabitants.

18. The Multi-purpose Household Survey conducted by (DIGESTYC) indicates that, as of 2014, the total population of the country was 6,401,415 people, of whom 3,989,266 (62.3 per cent) lived in urban areas and 2,412,149 (37.7 per cent) in rural areas; 27.5 per cent of the country's total population, or 1,760,057 inhabitants, are concentrated in the San Salvador Metropolitan Area.

19. Young people make up the largest age group in the population, as 55.5 per cent of the population are under 30 years of age while only 11.5 per cent are aged 60 or over. The potential dependency ratio — i.e., the ratio of the population in the age groups that are, theoretically, economically inactive (people under the age of 15 and people aged 65 or over) to the age groups in which the population is, theoretically, economically active (those between the ages of 15 and 64) — was 54.6 per cent as of that year.

20. This theoretical ratio is a positive one, since it means that, as of 2014, the majority of the country's population was of working age (65 out of every 100 people were economically active and 35 were economically inactive).

21. In addition, in 2015 the first National Survey of Persons with Disabilities was carried out by DIGESTYC with technical support from the National Council for Persons with Disabilities, the Technical Secretariat of the Office of the President and UNICEF. This has generated more accurate data on the population of persons with disabilities. In 2015, the prevalence rate was 6.4 per cent of the total Salvadoran population, indicating that there are 410,798 persons with some kind of disability in El Salvador.

22. The comparative table below shows a number of social, economic and other indicators for El Salvador for 2010-2015.

Table 1
Social and economic indicators: 2010-2015

A. Social and economic indicators

Variables and indicators			*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
1. Total number of households in poverty (%)								
1.1	National total		36.5	40.6	34.5	29.6	31.9	34.8
1.2	Urban		33.0	35.4	29.9	26.2	28.5	32.6
1.3	Rural		43.2	50.2	43.3	36.0	37.9	38.8
2. Households in extreme poverty (%)								
2.1	National total		11.2	12.2	8.9	7.1	7.6	8.1
2.2	Urban		9.1	8.9	6.5	5.7	5.7	7.0
2.3	Rural		15.1	18.43	13.55	9.8	10.9	10.1
3. Households in relative poverty (%)								
3.1	National total		25.3	28.3	25.6	22.5	24.3	26.8
3.2	Urban		23.9	26.5	23.4	20.5	22.8	25.7
3.3	Rural		28.1	31.7	29.8	26.2	27.0	28.7
4. Unemployment rate								
4.1	National total		7.1	6.6	6.1	5.9	7.0	7.0
4.2	Urban		6.8	6.6	6.2	5.6	6.7	6.5
	4.2.1	Men	8.3	8.7	8.0	6.8	8.5	8.1
	4.2.2	Women	5.1	4.1	4.2	4.2	4.6	4.6
4.3	Rural		7.6	6.6	5.8	6.6	7.5	8.0
	4.3.1	Men	8.7	7.4	6.2	6.9	8.7	8.9
	4.3.2	Women	5.2	5.0	4.8	6.0	5.1	6.0
5. Underemployment rate*			28.9	32.7	30.7	27.7	31.0	34.9
5.1	Visible		6.3	3.1	5.3	5.3	6.0	7.1
	5.1.1	Men	5.8	3.1	5.0	4.7	5.1	6.3
	5.1.2	Women	6.8	3.0	5.6	5.9	7.1	8.1
5.2	Invisible		22.6	29.6	25.5	22.5	24.9	27.9
	5.2.1	Men	22.7	29.7	25.2	22.6	25.3	24.8
	5.2.2	Women	22.5	29.5	25.9	22.3	24.5	31.7

Variables and indicators		*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
6. Cost of basic food basket (annual average per capita cost) ($)							
6.1	Urban	45.1	49.1	46.8	46.8	49.5	53.0
6.2	Rural	27.8	33.9	31.3	29.4	30.7	34.2
7. Monthly household income ($)							
7.1	Total	479.2	486.67	506.91	556.2	539.7	538.7
7.2	Urban	570.7	574.46	594.47	660.9	639.9	630.1
7.3	Rural	304.8	321.59	338.55	361.8	356.9	374.0
8. Monthly household remittances ($)							
8.1	Total	165.6	171.95	172.77	176.4	180.8	192.4
8.2	Urban	169.1	177.48	179.15	179.5	193.1	201.2
8.3	Rural	160.5	164.24	163.74	172.4	164.7	181.5
9. Economically active population (EAP)**							
9.2	Urban (%)	67.0	65.8	65.2	66.0	66.3	65.8
9.3	Rural (%)	33.0	34.2	34.8	34.0	33.7	34.2

* Underemployment in urban areas.

** From 2000 to 2006, the EAP was measured on the basis of persons aged 10 and over; from 2007 to 2014, it was measured as persons aged 16 and over.

B. Housing characteristics

Variables and indicators			*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
10. Homes with running water* (%)								
10.1	National total		82.9	83.8	85.4	86.3	86.4	87.0
10.2	Urban		92.9	93.1	93.5	93.9	94.1	94.2
10.3	Rural		63.9	66.4	69.8	72.2	72.5	73.9
11. Homes with electricity** (%)								
11.1	National total		91.6	92.6	93.6	95.0	95.1	95.4
11.2	Urban		96.9	97.2	97.8	97.8	97.8	98.0
11.3	Rural		81.5	83.8	85.6	90.0	90.3	90.6
12. Homes, by construction materials (walls) (%)								
12.1	National total							
	12.1.1	Mixed	71.5	72.2	73.2	72.5	73.3	74.6
	12.1.2	Wattle and daub	3.4	3.5	3.3	3.1	2.8	2.8
	12.1.3	Adobe	15.7	15.7	15.3	15.7	15.1	14.1
12.2	Urban							
	12.2.1	Mixed	84.1	84.2	85.1	84.2	85.2	86.1
	12.2.2	Wattle and daub	1.5	1.5	1.4	1.4	1.2	1.2
	12.2.3	Adobe	7.8	8.2	7.9	8.6	7.6	7.0
12.3	Rural							
	12.3.1	Mixed	47.4	49.4	50.5	50.7	51.6	53.9
	12.3.2	Wattle and daub	6.9	7.3	7.0	6.1	5.7	5.5
	12.3.3	Adobe	30.6	29.8	29.5	28.6	28.6	26.9
13. Homes with dirt floors (%)								
13.1	National total		20.6	19.7	18.7	18.6	17.4	16.5
13.2	Urban		10.3	10.0	9.2	9.3	8.7	8.1
13.3	Rural		40.1	38.1	37.1	36.0	33.1	31.5

Variables and indicators			*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
14. Homes with sanitation facilities (%)								
14.1	National total		96.0	96.3	96.5	97.0	97.5	97.5
14.2	Urban		99.3	99.4	99.4	99.4	99.6	99.6
14.3	Rural		89.6	90.6	90.8	92.3	93.6	93.8

* Includes piped connections inside and outside the home or in neighbours' homes and public fountains or standpipes (shared standpipes).

** Includes the electricity and electrical connections of neighbours.

C. Education

Variables and indicators			*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
15. Average duration of schooling (years of study completed, population aged 6 and over)								
15.1	National total		6.1	6.2	6.4	6.6	6.7	6.8
15.2	Urban		7.2	7.3	7.5	7.7	7.8	7.9
	15.1.2	Men	7.4	7.6	8.5	7.9	8.0	8.1
	15.2.2	Women	7.2	7.1	6.3	7.5	7.6	7.7
15.3	Rural		4.2	4.3	4.6	4.7	4.9	5.0
	15.3.1	Men	4.2	4.4	3.9	4.9	5.0	5.1
	15.3.2	Women	4.1	4.2	2.7	4.6	4.8	4.9
16. Illiteracy (population aged 10 and over)								
16.1	National total		13.7	12.7	12.4	11.8	10.9	10.8
16.2	Urban		8.8	8.2	8.2	7.6	7.0	6.9
	16.2.1	Men	6.3	5.4	5.4	5.3	5.0	4.9
	16.2.2	Women	10.9	10.5	10.5	9.5	8.7	8.7
16.3	Rural		22.2	20.7	19.9	18.9	17.7	17.6
	16.3.1	Men	19.6	17.9	17.3	16.5	15.4	15.8
	16.3.2	Women	24.6	23.3	22.3	21.2	19.7	19.2
17. School attendance (population aged 4 and over)								
17.1	National total		32.7	32.4	31.6	31.1	29.6	28.7
17.2	Urban		32.8	32.6	32.1	31.8	30.2	29.4
	17.2.1	Men	35.7	35.4	35.2	34.7	33.0	32.0
	17.2.2	Women	30.4	30.1	29.5	29.2	27.8	27.1
17.3	Rural		32.5	32.1	30.7	29.9	28.6	27.5
	17.3.1	Men	34.4	34.2	32.1	31.4	30.4	29.2
	17.3.2	Women	30.6	30.2	29.4	28.4	26.8	25.8

Source: Directorate General of Statistics and Censuses (DIGESTYC).

23. In the fourth quarter of 2014, the annual growth rate of gross domestic product (GDP) was 1.7 per cent, which was slightly lower than it had been the previous year (1.9 per cent). The sectors that drove this growth were: real estate and business services (3.0 per cent); industry, manufacturing and mining (2.9 per cent); financial institutions and insurance (2.8 per cent); commerce, restaurants and hotels (2.7 per cent); community, public, personal and domestic services (1.8 per cent); electricity, natural gas and water (1.6 per cent); government services (1.5 per cent); transportation, storage and communications (1.2 per cent); housing rentals (0.9 per cent); and agriculture, hunting, forestry and fishing (0.6 per cent). The construction industry recorded a decrease of -11.9 per cent.

24. The quarterly GDP growth rate remains around 2.0 per cent. The impact of the various sectors on overall growth depends on their relative share of GDP. The industry,

manufacturing and mining sector was the sector that generated the most added value and accounted for 23.3 per cent of GDP in real terms in 2014.

25. In the fourth quarter of 2014, this sector's annual growth rate amounted to 2.9 per cent, which was slightly higher than the 2013 figure (2.6 per cent) and higher than the average for 2010-2013 (2.1 per cent).

26. The positive impact of remittances on household demand has a strong influence on consumption patterns, while infrastructure projects have a strong impact on investment levels. Recovery from the economic downturn has been slow and external demand for Salvadoran goods remains depressed. Final consumption also includes public spending, which accounted for 8.4 per cent of GDP in 2014; this was slightly higher than in 2010, when it accounted for 8.0 per cent. Final government spending is of great help in shoring up the economy, especially during recessions.[1]

27. In the first quarter of 2015, remittances totalled US$ 988 billion, which was 1.6 per cent more than in the first quarter of 2014. Salvadoran families use more than 90 per cent of total remittances on final consumption expenditure. In the period ending in March 2015, imports of durable and non-durable consumer goods showed a decrease around the trend-cycle of -1.9 per cent, whereas the corresponding figure as of March 2014 had been 4.0 per cent. The total value of imported goods, 36.1 per cent of which were consumer goods, amounted to US$ 915.9 million in the first quarter of 2015, a drop of US$ 45.9 million from the same period in 2014 (US$ 961.8 million).

28. Trends in employment: In February 2015, formal employment posted a year-on-year increase around the trend-cycle of 2.0 per cent, which was lower than the figure for the same period in 2014 (4.3 per cent). Job growth rebounded from its downward trend of the previous year. A year-on-year increase in the number of jobs in the formal sector, as measured by the number of contributors to the Salvadoran Social Security Institute, of 12,496 was recorded in February 2015. This job growth occurred chiefly in financial institutions (banks, insurers and other financial institutions), a category that includes business services (6,991), and in manufacturing (5,785). There were also sectors, such as personal services (418) and construction (300), where levels of employment fell.

29. At the end of 2014, net foreign direct investment in El Salvador came to US$ 275 million, for a 53.4 per cent increase over the US$ 179.2 million registered in 2013. This increase was accounted for by an upturn in equity investment of US$ 337.9 million, which included reinvested profits of US$ 224.3 million.

30. In 2014, the net inflow of foreign direct investment fell by US$ 166.3 million as a result of the sale of Enel's stake in LaGeo, for which there was a securities issue of US$ 287.6 million, payable in 15 years at an interest rate of 5.8 per cent. According to articles published on the Salvadoran stock market's website, 71 per cent of the issue (US$ 205.3 million) was purchased by pension fund administrators (US$ 105 million worth by the pension fund manager Confia and US$ 100.3 million by the pension fund manager Crecer). The rest of the financing was raised from companies in the service industry, banks, foreign investors and insurers.

31. In the first quarter of 2015, GDP in the United States of America dropped by 0.7 per cent, after growth of 2.2 per cent in the previous quarter. In the same period in 2014, GDP had fallen by 2.1 per cent. For the second consecutive year, harsh winter weather conditions in the United States at the beginning of the year limited the expansion of economic activity in that country. This situation was compounded by the appreciation of the United States dollar and the labour dispute between employers and dock workers in the ports of the West Coast of the United States, which had a negative impact during the quarter, especially on exports.

32. These factors led to a drop in exports of 7.6 per cent. Other components of GDP that shrank in the quarter were non-residential fixed investment (-2.8 per cent) and consumer spending and gross government investment (-1.1 per cent). Other slowdowns occurred in

[1] Quarterly review of the Central Reserve Bank of El Salvador, 2014.

private domestic investment (which fell from 3.7 per cent in the fourth quarter of 2014 to 0.7 per cent in the first quarter of 2015) and private consumer spending (which slowed to 1.8 per cent from 4.4 per cent in the previous quarter). Imports increased by 5.6 per cent.

33. One of the most important indicators drawn from the multipurpose household survey is monetary poverty, which, using the cost of the basic food basket as a criterion, is classified as extreme or relative. Households whose per capita income does not cover the per capita cost of the basic food basket are classified as being in extreme poverty, and households whose per income does not cover the cost of the expanded basic food basket (double that of the basic basket) are classified as being in relative poverty. In 2015, the cost of the urban basic food basket was US$ 53.85 per person, while the cost of the rural food basket was US$ 34.23 per person. The cost of both of these baskets was higher than in 2014.

34. In 2015, in urban areas, the cost of the basic food basket for a typical household with an average of 3.55 members was US$ 191.17 and the cost of the expanded basket was US$ 382.34. In rural areas, the basic food basket cost US$ 132.13 for a typical household with an average of 3.86 members, while the expanded basket cost US$ 264.26. At the national level, 34.9 per cent of households are in poverty; of these, 8.1 per cent are in extreme poverty, while the other 26.8 per cent are in relative poverty.

35. In rural areas, of the 38.8 per cent of households that are in poverty, 10.1 per cent are in extreme poverty and 28.7 per cent are in relative poverty. In urban areas, 32.7 per cent of households are in poverty (7.0 per cent in extreme poverty and 25.7 per cent in relative poverty). The San Salvador Metropolitan Area, where 24.9 per cent of households are in poverty (4.3 per cent in extreme poverty and 20.6 per cent in relative poverty), has the lowest poverty rate.[2]

36. In September 2016, El Salvador underwent its most recent trade policy review and has continued to play an active role in the World Trade Organization (WTO). During the review period, it was a party to a dispute settlement procedure for the first time and continued to participate as a third party in other disputes. It also submitted further notifications under the various provisions of WTO agreements.

37. Since the previous review, there have been significant reforms to the institutional environment and legal framework for foreign investment. Under the new Investment Act, foreign investors, once registered, have the same rights and obligations as domestic investors and are entitled to transfer the entirety of their investment funds abroad. During the review period, an amendment to the Investment Act was adopted in replacement of the provision on the settlement of disputes between private Salvadoran or foreign investors and the State regarding investments made in El Salvador. In April 2014, the Act for the Establishment of the Export and Investment Promotion Agency of El Salvador was adopted with a view to promoting and attracting domestic and foreign private investment and promoting exports of goods and services.

38. Since 2009, El Salvador has pursued its customs modernization efforts, not least by gradually establishing a single window for imports, using non-intrusive inspection equipment, strengthening risk management and migrating steadily towards the Automated System for Customs Data software package ASYCUDA World. Together with its Central American partners, El Salvador has moved forward on the electronic exchange of data among customs authorities and has introduced measures to simplify formalities and facilitate the flow of goods at border crossings. However, the limited physical infrastructure and problems of congestion at customs facilities continue to pose a challenge. On 4 July 2016, El Salvador deposited with WTO its instrument of acceptance of the Agreement on Trade Facilitation.[3]

[2] Multipurpose household survey, 2015, Directorate General of Statistics and Censuses (DIGESTYC).

[3] Quarterly review of the Central Reserve Bank, 2015.

B. Constitutional, political and legal structure of the State

Guideline 36: constitutional, political and legal structure of the State

1. Constitutional structure of the Salvadoran State

39. The Constitution, which entered into force on 20 December 1983 and was framed by the Constituent Assembly elected by popular vote in 1982, is a legal instrument that, in addition to containing regulations governing the State's political affairs and the organization of its society, establishes safeguards for the rights of the people without any discrimination whatsoever and grants the power to restrict those rights in the circumstances provided for by law and by order of a competent authority.

40. The current Constitution superseded the 1962 Constitution and introduced reforms of the political, economic and social order. The traditional designation "powers of the State" was replaced by "organs of the State" — namely, the legislature, the executive branch and the judiciary.

41. In November 1991 and January 1992, in keeping with article 248 of the Constitution, the Legislative Assembly ratified amendments to the Constitution on which a national consensus had been reached. They concerned human rights, electoral and judicial questions and matters relating to the National Civil Police, the Public Legal Service and the armed forces.

2. The State, its form of government and political system

42. El Salvador is a sovereign State. Sovereignty is vested in the people, who exercise it in the form and within the limits laid down in the Constitution. The form of government is republican, democratic and representative. The State is unitary.

43. The political system is pluralist and operates through political parties, which are the sole instrument for representation of the people in the Government. Their rules, organization and operation are governed by the principles of representative democracy. The provision that prevents the President from holding office for a second consecutive term is indispensable to the preservation of the established form of government and political system.

3. Political structure

44. Public authority derives from the people, and the branches of government exercise their powers independently, within their respective scope of authority and responsibility, as established by the Constitution and the law. The duties of the branches of government may not be delegated, but they cooperate with one another in carrying out the State's functions.

45. The main branches of government are the legislature, the executive branch and the judiciary. Government officials are the delegates of the people and have no powers other than those expressly conferred on them by law.

46. Form of the State: presidential republic

- Head of Government (President): Salvador Sánchez Cerén (2014-2019)

Next legislative and presidential elections: March 2018 and March 2019, respectively. The unicameral Legislative Assembly has 84 seats; members are elected by direct universal suffrage for a three-year term.

4. Electoral system

47. During the negotiations concerning the armed conflict in El Salvador, the parties to the negotiations agreed to reform the electoral system, and in article 208 of the Constitution of 1983, provision was made for the establishment of the Supreme Electoral Court, which replaced the Central Elections Board. The Supreme Electoral Court is now the highest authority of the electoral system.

48. In accordance with article 208 of the Constitution and the Electoral Code, the Supreme Electoral Court has an administrative function and a judicial one. Its administrative duties are to plan, organize and conduct elections in El Salvador for the following public offices:

(a) President and Vice-President of the Republic;

(b) Members of the Legislative Assembly (deputies);

(c) Members of the Central American Parliament;

(d) Mayors and city council deputies.

The Court's judicial function involves exercising its exclusive authority to dispense electoral justice in response to complaints by citizens of violations of their voting rights and to resolve conflicts between political parties.

49. The Supreme Electoral Court has five judges, who are elected by the Legislative Assembly for a term of office of five years. Three of the judges are elected from the lists submitted by the three legally constituted political parties or coalitions that obtained the most votes in the most recent presidential election, with one judge being chosen from each of those lists. The other two are elected, with at least two thirds of the elected deputies voting in favour, from two lists submitted by the Supreme Court of Justice.

50. On 29 July 2010, the Constitutional Division of the Supreme Court of Justice issued a ruling on an unconstitutionality action brought in respect of Electoral Code article 211, paragraph 1; article 215, paragraph 2, subparagraphs 3 and 5; article 216; article 218, paragraph 1; article 239, paragraph 1; article 250, paragraph 1; and article 262, paragraph 6. It found that article 215, paragraph 2, subparagraph 5, was unconstitutional under articles 72 and 126 of the Constitution, since the requirement that a candidate or deputy be a member of a political party restricted the right of all citizens to stand for the offices concerned. It likewise found article 262, paragraph 6, to be unconstitutional under article 78 of the Constitution, since the impact of the closed and blocked list system on the right of citizens to exercise their vote with complete freedom of choice was disproportionate. Along the same lines, it entered a finding of unconstitutionality with respect to articles 238, 239, 250 and 253-C of the Electoral Code with reference to the closed and blocked list system.

51. On the other hand, it ruled that articles 211 and 215 of the Electoral Code were not unconstitutional, since they could be interpreted in a manner that is consistent with articles 72 and 126 of the Constitution, given that candidates could be required to obtain party accreditation only if they opted to run on a party ticket and that they could also run as independent candidates or in other ways specified in the ruling. It likewise found that articles 215, 216, 218, 239, 250 and 262 of the Electoral Code were not unconstitutional, since the list system they establish facilitates the exercise of the right to vote. Lastly, the Court ruled that article 262 was not unconstitutional, since citizens exercised the right to vote directly, as prescribed by the Constitution. Taken as a whole, the foregoing makes it clear that El Salvador needs to undertake a wide-ranging electoral reform.

52. It was noted in this context, without prejudice to the right of political parties and coalitions to propose candidates for seats in the legislature and on municipal councils by means of electoral lists, the fact that voting is to be direct makes it necessary to amend the unconstitutional system of blocked and closed lists and to restore to citizens the sovereign power to elect their representatives freely, in keeping with the Constitution and international instruments signed and ratified by El Salvador. This is possible only if deputies can be elected by means of open or independent lists that enable voters to cast their ballots directly for the candidate of their choice.

53. The Constitutional Division of the Supreme Court of Justice agreed to hear complaints brought by the Partido de Conciliación Nacional, the Partido Demócrata Cristiano and the Gran Alianza por la Unidad in which they requested a recount of the votes cast for the deputies elected on 1 March 2015. The Division then ordered a recount of the votes cast in those elections in the Department of San Salvador. The recount was supervised by the Attorney General's Office.

54. The judges of the Supreme Electoral Court were elected and sworn in by the Legislative Assembly. They included the President of the Court, Julio Olivo Granadino, and as his alternate María Blanca, who were put forward by the Frente Farabundo Martí para la Liberación Nacional (FMLN), and Fernando Argüello Téllez as a judge and Carlos Rovira Alvarado as his alternate, who were put forward by the Alianza Republicana Nacionalista (ARENA). The Partido de Conciliación Nacional nominated Guadalupe Medina, who is also currently a member of the Supreme Electoral Court put forward by the Supreme Court of Justice, and the Partido Demócrata Cristiano nominated Óscar Francisco Panameño. The nominees for the Supreme Electoral Court on the list sent by the Supreme Court of Justice to the Legislative Assembly, who were also elected unanimously, were Jesús Ulises Rivas, with Sonia Clementina Liévano de Lemus as his alternate, and Miguel Ángel Cardoza, who was a judge in the Administrative Litigation Division of the Supreme Court of Justice, with Rubén Atilio Meléndez as his alternate. These new judges will serve until July 2019, which means that they will be in charge of the municipal and legislative elections of 2017 and 2018 and the presidential elections of 2019.

55. This was the first time that the Legislative Assembly had elected judges to the Supreme Electoral Court who had no party affiliation. This change had been ordered pursuant to the decision of the Constitutional Division of the Supreme Court of Justice when it ruled that the nomination of Eugenio Chicas as President of the Supreme Electoral Court had been unconstitutional owing to his affiliation with FMLN.

56. Pursuant to article 76 of the Constitution, the electorate consists of all Salvadoran citizens over 18 years of age who are entered on the electoral rolls and are in full possession of their civil and political rights. Electoral laws govern the work of the Supreme Electoral Court and of the other authorities that oversee elections.

57. According to the Supreme Electoral Court, a total of 4,911,672 Salvadoran citizens were eligible to vote in the elections held on 1 March 2015 for members of the Legislative Assembly and the Central American Parliament and the country's 262 municipal councils. Of the total number of voters, 2,608,806, or 53.11 per cent, were women, and 2,302,866, or 46.89 per cent, were men.

5. Legislature

58. The Legislative Assembly is a collegiate body of 84 deputies who are elected by the people by direct, secret and equal vote. Its main function is that of legislating — in other words, of creating, interpreting, amending and repealing laws and of ratifying or rejecting treaties or agreements concluded by the executive with other States or international organizations. The Assembly's work is governed by the Constitution and by its own internal regulations.

59. Deputies are elected for a term of three years and may be re-elected. Their term of office begins on 1 May of the year in which they are elected.

60. The votes of at least one half of the elected deputies plus one (i.e., 43 votes) are generally required in order to pass a bill or resolution. However, some decisions require a qualified majority of two thirds (56 votes in favour), such as the election of the Presidents and judges of the Supreme Court of Justice, the Supreme Electoral Court and the Court of Audit of the Republic, the Attorney General of the Republic, the Counsel General of the Republic, the Human Rights Advocate and members of the National Council of the Judiciary.

61. Deputies may not occupy any paid public post during their term of office except for academic or cultural posts or those connected with professional social welfare services.

6. Executive branch

62. The executive branch consists of the President and Vice-President of the Republic, the ministers and deputy ministers of State and their subordinate officials. Its work is governed by the Constitution and its own internal regulations.

63. The President of the Republic is Head of State, Head of Government and Commander-in-Chief of the Armed Forces, and the executive branch is under his or her direction. The presidential term of office is five years and begins and ends on 1 June.

64. Responsibility for the administration of public affairs is assigned to the various State secretariats, each of which is headed by a minister, who acts in cooperation with one or more deputy ministers, in accordance with article 159 of the Constitution. In order to be valid, presidential decrees, agreements, orders and decisions must be endorsed and notification thereof must be issued by the relevant ministers or, where appropriate, by their deputies.

65. The Council of Ministers is composed of the President and Vice-President of the Republic together with the ministers of State or those acting in their stead. Its responsibilities include issuing the internal regulations of the executive branch and its own regulations, drawing up the overall government plan and the draft budget for submission to the Legislative Assembly, reviewing proposed changes to the budget involving transfers of allocations to different branches of the Administration and proposing that the Legislative Assembly suspend constitutional guarantees when appropriate.

66. Responsibility for national defence is assigned by the Constitution to the Ministry of Defence, whereas public security is the responsibility of the National Civil Police Force, which was established on the basis of humanist and democratic principles, together with the Ministry of Justice and Public Security and the National Public Security Academy.

7. Judiciary

67. El Salvador has mechanisms for ensuring that all persons have access to justice in keeping with the principle of equality before the law, which is guaranteed in article 3 of the Constitution. There are a total of 27 appellate courts for civil, criminal, special criminal, family, traffic and labour cases, juvenile justice proceedings and mixed actions which provide coverage in 9 of the country's 14 departments and account for 5 per cent of the country's courts. There are 207 courts of first instance at the national level (37 per cent of all courts) and 322 municipal courts (58 per cent of all courts) in the country's 262 municipalities. To ensure better service, the more populous municipalities have more than one such court.

68. The Special Criminal Court in San Salvador and special trial courts and special investigate courts in San Salvador, Santa Ana and San Miguel were established starting on 1 April 2007 pursuant to Legislative Decree No. 246, published in the Official Gazette (No. 43) of 5 March 2007.

69. Once the Peace Accords were signed, it became necessary to reform and strengthen the judicial system in order to improve the administration of justice. This reform effort included a change in the way the 15 judges of the Supreme Court of Justice were chosen.

70. There is a technical selection unit that screens and updates the list of lawyers who have been admitted to the Supreme Court bar and removes the names of suspended and deceased lawyers and those who have not yet met the constitutional requirements for the position. The resulting list of lawyers eligible for positions on the Supreme Court is, following its authorization by the full Court, published in two national newspapers.

71. As noted earlier, the National Council of the Judiciary is an independent institution responsible for nominating candidates to serve as judges on the Supreme Court, courts of appeal, courts of first instance and municipal courts. It is also responsible for organizing and running the Judicial College, whose purpose is to improve the professional training of judges and other judicial officials.

72. In order to modernize the justice system and ensure a more rapid and effective administration of justice, a wide-ranging overhaul of laws and regulations has been undertaken that has included amendments to the Civil Code, the adoption of the new Code of Criminal Procedure and the modification of civil and commercial proceedings, including the introduction of oral hearings, through the adoption of the new Code of Civil and Commercial Procedure. The Child and Adolescent Protection Act has amended earlier legislation on children and the family, and the Legislative Assembly is currently discussing

a draft constitutional procedures bill designed to make *amparo*, habeas corpus and unconstitutionality proceedings more flexible and effective.

73. The Supreme Court of Justice has four divisions: the Constitutional Division, the Civil Division, the Criminal Division and the Administrative Disputes Division, all of which have a President and two other judges. Their function is to consider and rule on petitions and appeals in their respective jurisdictions.

74. Currently, the judges on the Supreme Court of Justice are as follows.

Table 2
Supreme Court of Justice

Title	*Judge*	*Division*	*Year of election*
President	Óscar Armando Pineda Navas[1]	Constitutional	2014
Judge	José Belarmino Jaime Flores	Constitutional	2009
Judge	Sidney Blanco	Constitutional	2009
Judge	Rodolfo Ernesto González Bonilla	Constitutional	2009
Judge	Florentín Meléndez	Constitutional	2009
Judge	María Luz Regalado[2]	Civil	2009
Judge	Ovidio Bonilla Flores	Civil	2012
Judge	Óscar Alberto López Jerez	Civil	2015
Judge	Doris Luz Rivas Galindo[2]	Criminal	2012
Judge	José Roberto Argueta Manzano	Criminal	2012
Judge	Leonardo Ramírez Murcia	Criminal	2015
Judge	Dafne Yanira Sánchez de Muñoz[2]	Administrative Disputes	2015
Judge	Elsy Dueñas de Avilés	Administrative Disputes	2012
Judge	Sergio Luis Rivera Márquez	Administrative Disputes	2015
Judge	Paula Patricia Velásquez	Administrative Disputes	2015

[1] President of the Constitutional Division of the Supreme Court of Justice and head judge of the judiciary since 31 July 2014 in lieu of José Padilla Salomón, who held the position from 21 August 2012 to 14 October 2013, the date on which his appointment was declared [unconstitutional].

[2] President of the division.

75. The courts of second instance, or appellate courts, are presided over by two-judge panels, while the courts of first instance and the municipal courts are single-judge courts. These judges are all appointed by the Supreme Court of Justice from a list of three candidates submitted in each case by the National Council of the Judiciary (art. 175 of the Constitution).

76. Under the Judiciary Organization Act, the Supreme Court of Justice has the following sections: the Notarial Section, the Probity Section, the Professional Investigation Section and the Publications Section.

77. The Court also has three units: the first processes information on persons detained by any authority; the second monitors the conditions under which criminal sentences are served; and the third deals with the seizures made and bail bonds forfeited in all the country's courts.

78. In addition, the Court has an executive administration unit, which is made up of finance, engineering, human resources, administration and maintenance departments. There

is also a section responsible for compiling laws, regulations and the jurisprudence of the Supreme Court, as well as other administrative offices.

79. The function of the Inspection and Supervised Release Department is to work with sentence supervision judges and sentence enforcement judges in monitoring the conditions or rules of conduct established in cases involving conditional suspension of criminal proceedings, security measures, conditional release and conditional suspension of a sentence and in cases involving non-custodial sentences.

80. The Court's Forensic Medicine Directorate is the lead forensic sciences and medicine agency operating in support of the administration of justice. The services of the Institute of Forensic Medicine are provided by order of the Attorney General's Office, the courts, the Counsel General's Office, the Office of the Human Rights Advocate and, in certain cases, the National Civil Police.

8. Independence of judges and the judiciary

81. Article 172, paragraph 3, of the Constitution stipulates that in matters pertaining to the discharge of judicial duties, judges are independent and are subject to no restrictions other than those established by the Constitution and the law. In accordance with that provision, judges, when handing down decisions, are bound solely by the Constitution and the applicable laws. Regardless of their rank, judges are empowered to act with full independence when trying the cases brought before them.

82. A series of provisions that cover budget and operational matters in the current Constitution ensure the independence of the judiciary vis-à-vis the other branches of government. For example, the final paragraph of article 172 states that: "the judiciary shall be entitled to an annual allocation of not less than 6 per cent of current budget revenues." Article 182, paragraph 13, of the Constitution states that it is the duty of the Supreme Court of Justice "to prepare the budget for salaries and expenditures in the administration of justice and to transmit it to the executive branch for inclusion in the general budget of the State. The Legislative Assembly shall consult with the Supreme Court of Justice about any adjustments to the budget estimates that it deems necessary."

83. Operational independence is ensured mainly by the Judicial Profession Act and the National Council of the Judiciary Act, two laws that strengthen the justice system and enhance the independence of judicial officials. The first of these laws sets out the principle of security of tenure and promotion of judges, while the second elaborates upon this principle even further and provides for assessments of judges' level of competence.

9. Participation of the judiciary in law-making

84. The Supreme Court of Justice may, in certain cases, play a role in the law-making process. Under article 133, paragraph 3, of the Constitution, the Supreme Court of Justice has the power to draft legislation on matters concerning the judiciary, the practice of the legal profession by notaries and lawyers, and the jurisdiction and competence of the courts.

85. It may also intervene in the law-making process concerning any other matter when the President of the Republic vetoes a bill on the grounds of unconstitutionality and the legislature votes to confirm this by at least a two-thirds majority. In such cases, the President of the Republic must ask the Court within three days to decide whether the bill is constitutional.

86. The following tables provide information on a number of indicators included in annex 3 of the harmonized guidelines.

Table 3
Homicides per capita

Characteristics	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
Inhabitants	6 193 164	6 239 084	6 289 709	6 344 069	6 401 240	6 460 271
Homicides	4 004	4 371	2 594	2 513	3 921	6 656
Homicide rate (per 100 000 population)	64.6	70.1	41.2	39.6	61.2	103.03

Source: Original compilation based on Department of Forensic Medicine Statistics and the population projections for 2005-2050, Rev. 2014, of the Directorate General of Statistics and Censuses.

Table 4
Homicides of children and adolescents, 2010-2015, by age group

Age group	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
Less than 1 year	4	8	3	5	4	8
1 to 4	3	6	6	3	4	3
5 to 9	4	7	4	3	6	8
10 to 14	79	85	39	23	55	80
15 to less than 18			229	257	362	632
15 to 19	394	480				
Total	**484**	**586**	**281**	**292**	**431**	**731**

Source: Original compilation based on Department of Forensic Medicine Statistics, for all years.

Note: Since 2012, there have been disaggregated data for persons under the age of 18. For 2010 and 2011, the information for persons under the age of 18 is included in the 15-19 age range.

Table 5
Compilation of all cases received by Protection Boards, 2012-2015*

Year	*Jan.*	*Feb.*	*March*	*Apr.*	*May*	*June*	*July*	*Aug.*	*Sept.*	*Oct.*	*Nov.*	*Dec.*	*Total*	*Per cent*
2012	0	808	616	561	497	557	752	569	541	626	563	394	6 484	14.1%
2013	738	601	541	864	857	767	875	819	919	999	914	768	9 662	21.0%
2014	943	990	1 186	1 021	1 235	1 353	1 660	1 138	1 316	1 341	1 088	1 009	14 280	31.1%
2015	1 069	1 150	1 300	1 280	1 454	1 374	1 420	1 332	1 454	1 579	1 174	913	15 499	33.7%
Total	**2 750**	**3 549**	**3 643**	**3 726**	**4 043**	**4 051**	**4 707**	**3 858**	**4 230**	**4 545**	**3 739**	**3 084**	**45 925**	**100.0%**

* The Boards were gradually set up starting in 2012 and continuing until January 2014, when the current number of 15 was reached.

Source: National Council for Children and Adolescents.

Table 6
Threats or rights violations reported to the 15 Protection Boards, January 2012-December 2015

Right	*2012*	*2013*	*2014*	*2015*	*Total*	*Per cent*
Integrity of the person	3 206	7 326	11 078	10 162	31 772	61.3%
Right to education and culture	396	377	496	1 421	2 690	5.2%
Right to health	307	193	1 400	3 530	5 430	10.5%
Other	1 162	2 067	2 100	6 617	11 946	23.0%
Total	**5 071**	**9 963**	**15 074**	**21 730**	**51 838**	**100.0%**

Source: National Council for Children and Adolescents and Child and Adolescent Protection Boards, 2015.

Table 7
Rapes, by sex

Sex	*2005*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
Female	1 647	1 632	1 849	2 131	1 784		1 908		1 718	2 536	2 047
Male	146	148	168	191	141		129		112	284	215

Source: Department of Forensic Medicine Statistics.
Note: There is currently no information for 2010 and 2012.

Child and adolescent rape victims, by sex, 2013-2014

Sex	*2013*	*2014*	*2015*
Boys	101	64	50
Girls	1 218	882	703
Total	**1 319**	**946**	**753**

Source: Original compilation drawing on Institute of Forensic Medicine data.

Note: 2013 includes men and women of 18 years of age.

Frequency of homicides, by sex

Sex	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
Female	568	629	321	218	294	573
Male	3 432	3 737	2 246	2 287	3 615	6 072

Source: Department of Forensic Medicine Statistics.

Table 8
Correctional facilities (as of 31 December 2015)

		Prosecuted			*Convicted*			*Total per prison*
Geographical region	*Prison*	*Men*	*Women*	*Total*	*Men*	*Women*	*Total*	
Western region	Apanteos	1 052	2	1 054	3 170	0	3 170	4 224
	Santa Ana prison farm	0	0	0	123	0	123	123
	Izalco	1 000	0	1 000	1 773	0	1 773	2 773
	Metapán	113	0	113	199	0	199	312
	Sonsonate	63	0	63	854	0	854	917
	Western region	216	0	216	1 023	0	1 023	1 239

Geographical region	Prison	Prosecuted			Convicted			Total per prison
		Men	Women	Total	Men	Women	Total	
	Izalco prison farm	0	58	58	0	173	173	231
Central region	Ilopango	0	759	759	0	1 376	1 376	2 135
	Quezaltepeque	849	189	1 038	681	208	889	1 927
	La Esperanza (prison)	975	0	975	4 133	0	4 133	5 108
	Chalatenango	422	0	422	1 108	0	1 108	1 530
	Psychiatric ward	32	6	38	69	10	79	117
	La Esperanza (open centre)	0	0	0	89	0	89	89
	Santa Tecla open centre	0	0	0	0	10	10	10
Eastern-central region	San Vicente	167	0	167	1 281	0	1 281	1 448
	Cojutepeque	284	0	284	871	0	871	1 155
	Sensuntepeque	45	20	65	317	51	368	433
	Ilobasco	390	0	390	17	0	17	407
	Zacatecoluca	50	0	50	408	0	408	458
Eastern region	Jucuapa	286	0	286	48	0	48	334
	Usulután	38	0	38	1 462	0	1 462	1 500
	San Miguel	99	70	169	1 138	245	1 383	1 552
	San Francisco Gotera	374	0	374	715	0	715	1 089
	La Unión	376	0	376	53	0	53	429
Total		**6 831**	**1 104**	**7 935**	**19 532**	**2 073**	**21 605**	**29 540**

Source: Directorate General of Prisons.

Table 9
Legal assistance provided by the Public Defender's Unit (juvenile courts)

	June 2010-May 2011	June 2011-May 2012	June 2012-May 2013	June 2013-May 2014	June 2014-May 2015
Adolescents	9 917	7 758	4 790	5 521	5 460

Table 10
Children and adolescents receiving assistance from the Family, Child and Adolescent Protection Unit, administrative phase 2013-2015

Year	Total	Children			Adolescents		
		Subtotal	Girls	Boys	Subtotal	Boys	Girls
2013	24 324	17 825	9 215	8 610	6 499	3 940	2 559
2014	15 776	10 513	7 463	3 050	5 263	3 050	2 213
2015	12 813	9 164	4 828	4 336	3 649	1 977	1 672

Source: Counsel General's Office.

Table 11
Judges and magistrates, by type of court and by sex, at the national level, 2010

Post and type of court	*Sex*		*Total*
	Male	*Female*	
Divisional judges	10	5	15
Appellate court judges	34	14	48
Specialized appellate court judges	0	2	2
Specialized juvenile appellate court judges	1	1	2
Municipal judges	146	170	316
Examining magistrates	23	21	44
Specialized examining magistrates	2	2	4
Trial judges	43	19	62
Specialized trial judges	4	0	4
Civil court judges	20	6	26
Commercial court judges	3	2	5
Civil and commercial court judges	8	8	16
Labour court judges	6	3	9
Traffic court judges	5	4	9
Small claims court judges	2	6	8
Military court judges	1	0	1
Family court judges	13	15	28
Judges specialized in children and adolescents	1	5	6
Juvenile court judges	5	12	17
Sentence enforcement judges	3	1	4
Sentence supervision judges	3	7	10
Judges at first instance	13	9	22
Total	**346**	**312**	**658**

Source: Attorney General's Office.

II. General framework for the protection and promotion of human rights

A. Acceptance of international human rights norms

Paragraph 40 of the harmonized guidelines: status of the main international human rights treaties

87. In its combined third to fifth periodic reports under the International Covenant on Economic, Social and Cultural Rights, El Salvador listed some of the international instruments that it has ratified in the universal and inter-American systems and in the area of international humanitarian law. These instruments constitute national laws, and the principles and precepts that they establish are to be observed and respected throughout the country.

88. Mention should be made of the recent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, under Decree No. 721 of 18 May 2011, published in the Official Gazette (No. 108, vol. 391) of 10 June 2011.

89. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, was ratified by Legislative Decree No. 601, published in the Official Gazette (No. 25, vol. 402) of 7 February 2014.

90. By Decree No. 197, the Legislative Assembly ratified (a) the Rome Statute of the International Criminal Court and the amendment to article 8 thereof; and (b) the amendments to the Statute's provisions on the crime of aggression, published in the Official Gazette (No. 236, vol. 409) of 22 December 2015.

91. Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and recognition of its Committee's competence, in accordance with articles 21 and 22, are currently the subject of analysis and appraisal with regard to content and scope.

Table 12
Recently signed international instruments

International instrument	*Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto*	
Date of ratification	Legislative Decree No. 432 of 11 October 2007, published in the Official Gazette (No. 205, vol. 377) of 5 November 2007	
Date of ratification (United Nations)	14 December 2007	
Reservation	"The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles."	
	Nature and extent	General
	Reason and status	Reason: articles 144 and 246 of the Constitution of the Republic. Status: In force
	Effect	Unilateral
	Withdrawal of the reservation	The Legislative Assembly adopted legislative Decision No. 23, favourable to the withdrawal of the reservation, by Decree No. 920 of 8 January 2015, published in the Official Gazette (No. 24, vol. 406) of 5 February 2015.

Source: Directorate-General of Legal Affairs, Ministry of Foreign Affairs.

B. Legal framework for the protection of human rights at the national level

92. Currently, human rights treaties do not have constitutional status under the 1983 Constitution; however, under article 144 of the Constitution, international treaties take precedence over secondary legislation in the event of a conflict between a law and a treaty.

93. As a State party to the American Convention on Human Rights, El Salvador accepted and recognized the competence of the inter-American system for the protection of human rights — namely, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights — on 23 June 1978. The Court's contentious jurisdiction, however, was recognized as from 6 June 1995.

94. The Salvadoran State, under the current administration of President Salvador Sánchez Cerén, has recognized the binding legal character of the reports of the Inter-American Commission on Human Rights and of the judgments of the Inter-American Court of Human Rights. It has also accepted the recommendations that the Human Rights Council

of the United Nations made during the recent universal periodic review and the recommendations made by various treaty bodies.

95. The Government has entered into a dialogue with victims of human rights violations and complainants in the various cases brought against El Salvador before the inter-American system for the protection of human rights.

96. In 2009, the National Commission on Reparations for Victims of Serious Human Rights Violations Committed during the Internal Armed Conflict was set up and mandated to propose a comprehensive programme of reparations for victims of human rights violations to the country's President. That programme, which was set out in Executive Decree No. 204/2013 of October 2013, led to the creation of the Reparations Programme, the Victim Register, the Governing Council of the Victim Register and the Monitoring Bureau.

97. At the time of this writing, the Governing Council was updating the Victim Register in preparation for the launch of the 31 August 2016 compensation initiative that is part of the Reparations Programme. Through this initiative, victims will be given compensation in the form of a pension.

98. In an effort to fulfil its obligations deriving from the judgment in the case *Serrano Cruz Sisters v. El Salvador*, the State, by Executive Decree No. 5, published in the Official Gazette (No. 11, vol. 386) of 18 January 2010, authorized the establishment of a national commission to search for children who had disappeared during the internal armed conflict. That decree was amended by Executive Decree No. 45, published in the Official Gazette (No. 75, vol. 387) of 26 April 2010. The status of the new Commission is consistent with the international standards established by the Inter-American Court of Human Rights, which are designed to ensure the independence of State institutions in the exercise of their functions and their collaboration in the task of searching for children who have disappeared.

99. The Supreme Court of Justice and the Attorney General's Office are the institutions charged with providing guarantees for the effective exercise of human rights and fundamental freedoms, as stated in the combined third to fifth periodic reports on the country's implementation of the International Covenant on Economic, Social and Cultural Rights.

100. The post of Deputy Attorney General for Human Rights has been established in the Attorney General's Office.

101. Under article 194, section II, of the Constitution, the Counsel General's Office is responsible for the defence of the family and of minors and their interests, those lacking legal capacity and older persons. It is also responsible for providing legal aid to persons of limited financial means and legal representation in the defence of their individual freedoms and their labour rights. It is a permanent and independent body, with legal personality and administrative independence, headquartered in the city of San Salvador. The Office has 17 deputy counsels general who are posted throughout the country.

102. The function of the Office is to provide human rights protection services in the areas of law governing family matters and real and personal rights, criminal law and labour law. These services include any necessary administrative, legal and notarial assistance as well as mediation and psychosocial prevention services. The Office has four units offering user assistance and victim care:

- Family, Children and Adolescents Protection Unit
- Real and Personal Rights Unit
- Public Defender Unit
- Psychosocial Prevention Unit

103. The main functions of the Office of the Human Rights Advocate include ensuring respect for and the enjoyment of human rights; investigating, at its own initiative or on the basis of complaints received, cases of human rights violations; supervising the civil

service's administrative dealings with individuals; issuing opinions and preparing and publishing reports; and promoting human rights.

104. The Justice and Human Rights Commission is now part of the Legislative Assembly. In addition, the National Civil Police have the Office of the Inspector General and a human rights division. The Ministry of Defence also has a human rights division.

105. The Directorate General for Human Rights of the Ministry of Foreign Affairs protects the human rights of migrant Salvadorans and those living abroad and is in charge of providing moral and material compensation for victims of the internal armed conflict and ensuring the fulfilment of the State's human rights commitments under international instruments and its obligations to their respective treaty bodies.

1. Judicial authority in El Salvador

106. Judicial authority lies with the judiciary, which consists of the Supreme Court of Justice and its divisions, the appellate courts, courts of first instance and municipal courts. This branch of government has exclusive powers to adjudicate and to execute judgments in constitutional, civil, criminal, commercial, labour and agrarian matters, as well as in administrative disputes and in such other matters as may be determined by law.

107. The jurisdiction of the courts in El Salvador tends to be specialized by subject matter. Accordingly, there are courts of first instance for civil, family, criminal, military and labour matters and for cases involving housing, traffic violations, commerce, minors and public finance.

108. Since the entry into force of the Child and Adolescent Protection Act, the judiciary has been an integral part of the National Child and Adolescent Protection System. Specialized courts and a specialized appellate court for matters involving children and adolescents have been established. These courts are competent to issue judicial protection orders in the event of threats to or violations of the rights or legitimate interests of children or adolescents. The Special Children's Appeals Court, which has nationwide jurisdiction and is based in San Salvador, and three collegiate courts of first instance (the specialized children's courts), which are based in San Salvador, Santa Ana and San Miguel, were established under Legislative Decree No. 306 of 18 March 2010.

109. In the administrative sphere, the Counsel General's Office is responsible for protecting the human rights of all the country's inhabitants. Other institutions that work to ensure respect for human rights and to further their development include the Ministry of Health and Social Welfare, the Ministry of Labour and Social Security, the National Minimum Wage Council, the Ministry of Economic Affairs, the Salvadoran Institute for the Advancement of Women, the National Council for Children and Adolescents, the Child and Adolescent Protection Boards, the Salvadoran Institute for Comprehensive Child and Adolescent Development, the Consumer Protection Authority and the National Council for Persons with Disabilities.

110. The Office of the Human Rights Advocate was established under the 1992 Peace Accords pursuant to the provisions of articles 191, 192 and 194 of the Constitution. This institution is part of the Public Legal Service and is a permanent, independent body with legal personality and administrative autonomy. Its function is to ensure the promotion of human rights, the provision of human rights education and the unrestricted enjoyment of human rights.

111. The Human Rights Advocate is elected by the Legislative Assembly by a two-thirds majority for a three-year term and may be re-elected. The Office includes the Deputy Human Rights Advocate and five Offices of Deputy Advocates that provide assistance in the area of human rights.

C. Framework for the promotion of human rights at the national level

1. National legal framework for the protection of human rights

112. The mandate of the Office of the Human Rights Advocate is extremely broad and authorizes it to monitor the performance of all State agencies, without exception, in matters relating to human rights. The section on this subject has been updated in the country's seventh periodic report under the International Covenant on Civil and Political Rights, submitted in November 2016, and in its combined fifth and sixth periodic reports under the Convention on the Rights of the Child.

2. Incorporation of international human rights treaties into domestic law

113. The Constitution establishes the country's basic legal provisions relating to civil and political rights, economic, social and cultural rights, guarantees of due process of law and the duties of individuals. These provisions are compatible with those of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights, the Universal Declaration of Human Rights and the American Declaration on the Rights and Duties of Man.

114. It establishes that, once international treaties enter into force in accordance with their own provisions and the Constitution, they become the law of the land. Thus, treaties that have been legally concluded and ratified form part of Salvadoran legislation.

3. National protection of the human rights established in international instruments

115. Under the Constitution, the rights and freedoms enshrined in the human rights instruments ratified by El Salvador form part of the nation's laws. Individuals are then entitled to initiate actions before the relevant body in order to avail themselves of the protection afforded by those treaties for their enjoyment of the rights and freedoms provided for therein.

116. As recently noted in the country's seventh periodic report under the International Covenant on Civil and Political Rights, submitted in November 2016, domestic courts, including the Constitutional Division of the Supreme Court of Justice, have referred to the human rights standards set out in international human rights instruments and in decisions of the inter-American human rights system and the United Nations.

117. The Ministry of Foreign Affairs refers matters to the competent national bodies and prepares the necessary replies to complaints or communications concerning possible human rights violations.

4. Raising awareness in the country of the rights enshrined in international human rights instruments

118. State institutions helping to disseminate information, promote awareness and provide training in the area of human rights include the Judicial College, the Secretariat for Social Inclusion, the Salvadoran Institute for the Advancement of Women, the National Council for Children and Adolescents, the Salvadoran Institute for Comprehensive Child and Adolescent Development and the National Council for Persons with Disabilities. The Police Human Rights School, which comes under the Office of the Inspector General of the National Civil Police, also provides human rights training to the police corps. The National Public Security Academy includes such training in its curriculum, as does the Prison Service School.

119. The National Council for Children and Adolescents, as the lead agency for the protection of the rights of children and adolescents, has made development of the doctrine of comprehensive protection embodied in the Convention on the Rights of the Child a part of its information, advocacy and technical assistance activities. This doctrine serves as a point of departure for the development of a better understanding of the letter and spirit of the Child and Adolescent Protection Act and the National Policy on Comprehensive Protection for Children and Adolescents.

120. The Salvadoran State recognizes that international cooperation has been of great importance for the development of programmes concerned with the administration of justice, public security, the human rights of vulnerable groups and human rights education and promotion.

121. In 2013, in the framework of a joint programme on reducing violence and building social capital sponsored by the Spanish Government's Fund for the Achievement of the Millennium Development Goals, UNICEF and the National Council for Children and Adolescents printed 17,000 copies of a compendium of national and international standards concerning children and adolescents in El Salvador. It included the Universal Declaration of Human Rights, the Declaration of the Rights of the Child, the Convention on the Rights of the Child and the Optional Protocols thereto, as well as the Child and Adolescent Protection Act and its respective regulations. The aim of this effort was to disseminate information about the legal framework and facilitate the operational work of the main offices and agencies responsible for the enforcement of the Child and Adolescent Protection Act.

122. In 2015, with technical support from UNICEF, the Technical and Planning Secretariat of the Office of the President and the National Council for Persons with Disabilities, the first national survey regarding persons with disabilities was taken.

123. Periodically, messages are broadcast in the mass media (press, radio and television), with support from the Government, the private sector and non-governmental organizations, concerning the protection of the human rights of vulnerable sectors of the population (children, women, persons with disabilities and older persons).

5. Translation of international human rights instruments into local languages

124. As part of the technical cooperation project carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Universal Declaration of Human Rights has been translated into Pipil, the language used by some indigenous minorities, in order to familiarize speakers of that language with the principles set out in that document. The Pipil-language version can be found on the OHCHR website.

125. A Spanish translation of the Universal Declaration has been printed in Braille, and a video has been made that presents the Universal Declaration in sign language. The aim of both initiatives is to enable persons with sight or hearing impairments to familiarize themselves with the Universal Declaration and its application. Similarly, the Legislative Assembly has been equipped with a Braille printer so that it can furnish blind persons with a Braille copy of any document issued by the Assembly on request.

126. These materials have been distributed to cultural centres throughout the country in order to make them readily available.

D. The reporting process at the national level

1. National coordination structure

127. The preparation of the reports that El Salvador submits to the United Nations human rights treaty bodies is an inter-agency effort, coordinated by the Ministry of Foreign Affairs.

2. Participation of departments, institutions and officials at the national, regional and local levels and, where appropriate, at the federal and provincial levels

128. Experts from the Government as well as from autonomous and State agencies, particularly those concerned with the promotion of the rights covered by the various international human rights covenants and treaties, participate in the preparation of these reports.

129. The methodology used for the preparation of the combined fifth and sixth periodic reports under the Convention on the Rights of the Child provided for the participation of representatives of governmental institutions and members of the civil society organizations

that run programmes for children and adolescents, as well as the direct involvement of child and adolescent members of organizations. This process is described in the introductory section of the combined reports.

3. Whether reports are made available to or examined by the national legislature prior to their submission to the treaty bodies

130. The preparation of the country's reports requires the Legislative Assembly to provide information on progress made in the analysis and adoption of national legislation relating to the specific topics covered by the report.

131. As a result of the current Administration's closer relationship with the treaty bodies, the various country reports submitted to Committees are being given wider distribution and publicity. An example is the distribution of the initial report under the Convention on the Rights of Persons with Disabilities to organizations of persons with disabilities, which also participate in follow-up through the working groups of the National Council for Persons with Disabilities.

4. Participation of non-governmental entities

132. In the preparation of country reports, the Ministry of Foreign Affairs has involved the Office of the Human Rights Advocate in the compilation of information and the organization of inter-agency drafting groups. It also welcomes the supplementary reports submitted by civil society organizations. In 2013, the Committee on the Rights of Persons with Disabilities received two alternative reports from representatives of civil society, one submitted through the Office of the Human Rights Advocate and the other by the association Manos Mágicas.

5. Follow-up to concluding observations of human rights treaty bodies

133. The Ministry of Foreign Affairs of the Government of El Salvador has provided for the use as from 2010 of a procedure for coordinating the contributions of State institutions to the submission of reports and implementation of recommendations related to the activities of the various United Nations human rights treaty bodies. Plans to adopt a procedure for the effective participation of civil society in those areas have also been made.

134. El Salvador hopes that these new arrangements will result in significant changes in the dissemination and follow-up of the Committees' recommendations as well as in report preparation procedures, thereby ensuring the more effective fulfilment of the State's duty to safeguard the human rights recognized in the Convention on the Rights of the Child.

6. Information on non-discrimination, equality and effective remedies

135. More detailed information on measures related to non-discrimination, equality and effective remedies can be found in the combined fifth and sixth periodic reports of El Salvador under the Convention on the Rights of the Child and in its seventh periodic report under the International Covenant on Civil and Political Rights, submitted in November 2016.